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COMMISSION ON WATER
RESOURCE MANAGEMENT

2009 APR 23 AM 10:19

Leslie and Michele Vida, Jr.
P.O. Box 976
Wailuku, Maui, HI 96793

April 15, 2009

Mr. Robert Chong
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Chong:

This letter is in regards to our telephone conversation of April 15, 2009. I updated pages 3, 4 and 5 of the SWUPA-E application and made 15 copies of each.

We filled our taro patch up with water using a 5 gallon bucket. We filled the taro patch with this bucket 20 times a day for seven days. This came to 100 gallons. The water soaked into the ground. We waited one day where the patch was very muddy. We tilled the mud and dirt and planted the taro.

We then ran the water again into the patch for one more week. Using the 5 gallon bucket method, this took 200 gallons per day. The taro patch takes about 300 gallons per day now.

I hope this explanation is alright. If there are any more questions please call me at 250-9665. Mahalo.

Very truly yours,


Leslie and Michele Vida Jr.

Enclosures:

Updated info on Pages 3,4 & 5 of the SWUPA-E Application

Leslie and Michele Vida, Jr.
P.O. Box 976
Wailuku, Maui, HI 96793

RECEIVED

April 2, 2009

09 APR 9 09:17

State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

COMMISSION ON WATER
RESOURCE MANAGEMENT

Dear Sir/Madam:

We have completed the attached SWUPA-E (Na Wai i) and attached the required check in the amount of \$25.00 for the fee. We have also

We have taken the application on several occasions to Wailuku Agribusiness Company/Wailuku Water Company for Clayton Suzuki's signature since their company is the source landowner. He informed us that he was unable to sign the application and that their Attorney and the State Attorney Generals office was involved with all of this. He has told us to keep checking back with his office after all this is settled between the attorneys. This has been going back and forth for months and months now. I have spoken with Robert Chong from your office in regards to this situation. He informed us to go ahead and just mail the application in, even though Mr. Suzuki did not sign it.

We completed our Registration of Stream Diversion Works and Declaration of Water Use in May of 1989. Attached, please find the Registration and a letter of Notice to Declarants of Water Use from your office approving it. We have also enclosed two maps. One where the water source flows from and the other of our property and the inlet. We have also taken pictures and have attached them to the original application and the 15 copies of all documents that we have made.

Appurtenant right – Royal Patent 7694, Land Commission Award 76 to William Shaw.

If you need any further information, you can reach us at 242-9139. Mahalo

Very truly yours,

Leslie & Michele Vida, Jr.
Leslie and Michele Vida Jr.

Enclosures:
\$25.00 Fee
SWUPA-E Application
Registration of Stream Diversion
Declarations of Water Use
Map of Water Source
Map of Our Property
Photographs

FILE ID:	WUP.2188.6
DOC ID:	3140V

ORIGINAL



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

APPLICATION FOR SURFACE WATER USE PERMIT
 FOR EXISTING USE IN THE NA WAI EHA, MAUI, SURFACE
 WATER MANAGEMENT AREAS

FORM SWUPA-E (NA WAI EHA, MAUI)

For detailed instructions on filling out this application, refer to the attached instructions.

For Official Use Only:

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Event ID:

COMMISSION ON WATER
 RESOURCE MANAGEMENT

APPLICANT INFORMATION: Note: In accordance with §174C-51(1)(B), HRS, in the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.

1. APPLICANT'S NAME		2. SOURCE LANDOWNER'S NAME	
Vida, Leslie Jr.		Wailuku Agribusiness & Wailuku Water Company	
Applicant's Contact		Source Landowner's Contact	
Vida, Michele		Clayton Suzuki	
Applicant's Mailing Address, or Principal Place of Business		Source Landowner's Mailing Address, or Principal Place of Business	
P.O. Box 976		255 East Waiko Road	
Wailuku, HI 96793		Wailuku, HI 96793	
Applicant's Phone	Applicant's Fax	Source Landowner's Phone	Source Landowner's Fax

EXISTING SOURCE INFORMATION

The following must be attached before this application is accepted as complete:

- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion locations and quad map name.
- Property Tax Map Key (TMK), showing stream or diversion location, and location of water use referenced to established property boundaries.
- Photograph(s) of the surface water diversion works and end use.

3. SURFACE WATER HYDROLOGIC UNIT AND CODE: ☐ Waihee/6022 ☐ Walehu/6023 ☒ Iao/6024 ☒ Waikapu/6001

4a. TMK OF STREAM DIVERSION LOCATION: 3 - 3 - 03 : 3
 Zone Sector Plat Parcel

4b. TMK OF DITCH DIVERSION LOCATION: 3 - 5 - 2 : 3
 Zone Sector Plat Parcel

5. STREAM DIVERSION: How is water diverted from the stream to your property? Check all that apply.

☒ Pipe ☒ Pump ☒ Ditch/auwai ☒ Other Describe: **Reservoir**

Is the diverted water returned to the stream or ditch? ☐ Yes. ☒ No. If yes, how much water is returned?

6. FLOW MEASUREMENT INFORMATION:

Does the stream diversion have a flowmeter with totalizer or other device to measure diverted amounts?

☒ Yes. Enter the installation date: **Unknown**

Describe the device and enter measured amounts in Table 1. **meter**

☒ No. Explain how you are measuring flow to justify amounts shown in Table 1 in the space below **visual**

EXISTING USER INFORMATION

7. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use? ☒ Yes ☐ No

If yes, has the appurtenant right been established by the courts or the Commission? ☒ Yes ☐ No

8. END USER INFORMATION: Are you an end user on an existing water system? ☒ Yes ☐ No

If yes, who is the operator of the water system? **Wailuku Agribusiness & Wailuku Water Co.**

9. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use with the Commission?

☒ Yes. List the file reference name(s): **VIDA, LJR**

☐ No

10. STREAM DIVERSION WORKS PERMIT (SDWP):

Have you ever been issued a SDWP by the Commission?

☐ Yes. List the permit number(s):

☒ No

NOTE: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Furthermore, the signatories understand that: 1) if necessary, further information may be required before the application is considered complete; 2) if a water use permit is granted by the Commission, this permit will be subject, but not limited, to any existing legal uses, changes in sustainable yields and instream flow standards, Hawaiian Home Lands uses, and any other conditions imposed by the Commission; and 3) the applicant is responsible for paying the required public notice fees associated with this application.

11. APPLICANT

Leslie Vida, Jr.
 Signature

Leslie Vida, Jr.
 Print

2/1/09
 Date

12. SOURCE LANDOWNER

Signature

Print

Date

**SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)**

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source or End Use
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	5,000 (GPD) 155,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
June 2007	5,000 (GPD) 150,000 mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
July 2007	5,000 (GPD) 155,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
August 2007	5,000 (GPD) 155,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
September 2007	5,000 (GPD) 150,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
October 2007	5,000 (GPD) 155,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
November 2007	5,000 (GPD) 150,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
December 2007	5,000 (GPD) 155,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
January 2008	5,000 (GPD) 155,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
February 2008	5,000 (GPD) 140,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
March 2008	5,000 (GPD) 155,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
April 2008	5,000 (GPD) 150,000mo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SUM OF AVERAGE DAILY USE FOR THE MONTH	5,000 155,000 mo	GPD				
AVERAGE DAILY USE (Average of the above)	5,000	GPD				

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SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY				EFFICIENCY OF USE					
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING • Property tax map, showing use location in reference to established property bound lines • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.
Uses that require potable (drinking) water									
	Zone Sector Plat Parcel								
	Zone Sector Plat Parcel								
	Zone Sector Plat Parcel								
	Zone Sector Plat Parcel								
TOTAL POTABLE USE									
Uses that do not require potable water									
AGROTH	3 5 004 091 Zone Sector Plat Parcel	urban	no	resi- dential	no	5,000	no	15,640 sq ft	kalo cultivation, bananas, citrus trees, native hawaiian plants, landscape papayas, yard, imu, outdoor recreation
	Zone Sector Plat Parcel								
	Zone Sector Plat Parcel								
	Zone Sector Plat Parcel								
TOTAL NON-POTABLE USE						5,000			
TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =						5,000			
If total use requested is not equal to the total monthly average in Table 1, please explain.									
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above.									

**SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)**

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
3 - 5 - 004 - 091 <small>Zone Sector Plat Parcel</small>	kalo & bananas	one fourth	3,910 sq ft	January	December	sprinkler system & trench irrigation	continuous
3 - 5 - 004 - 091 <small>Zone Sector Plat Parcel</small>	Lawn	one half	7,820 sq ft	January	December	sprinkler	as needed
3 - 5 - 004 - 091 <small>Zone Sector Plat Parcel</small>	Fruit Trees	one fourth	3,910 sq ft	January	December	other/ hand water	as needed
- - - - - <small>Zone Sector Plat Parcel</small>							
- - - - - <small>Zone Sector Plat Parcel</small>							
- - - - - <small>Zone Sector Plat Parcel</small>							
- - - - - <small>Zone Sector Plat Parcel</small>							
- - - - - <small>Zone Sector Plat Parcel</small>							
- - - - - <small>Zone Sector Plat Parcel</small>							
- - - - - <small>Zone Sector Plat Parcel</small>							
- - - - - <small>Zone Sector Plat Parcel</small>							
- - - - - <small>Zone Sector Plat Parcel</small>							

**SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)**

TABLE 4: ALTERNATIVES ANALYSIS

	Potable Alternatives Attach additional sheets if necessary.	Non-Potable Alternatives Attach additional sheets if necessary.
Municipal sources	Not Available	Not Available
Wastewater reuse	Not Available	Not Available
Ditch system		Iao/Waikapu
Desalinization	Not Available	Not Available
Ground water	Not Available	Not Available
Other (specify)	Not Available	Not Available

PUBLIC INTEREST

§174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

Explain below how the uses in your application are consistent with the public interest as described above. Attach additional sheets if necessary.

The water that comes from the Iao/Waikapu ditches is used for agriculture, (banana trees, citrus trees, papayas, kalo cultivation, landscape, yard, Imu, outdoor recreation, aesthetics, native Hawaiian plants, customary Hawaiian rights.



Yard + Plants, Waikapu Valley in background.



Yard + plants



6" Kuleana waterline from Wailuku Sugar Co. + Valve. 2½" waterline to our property



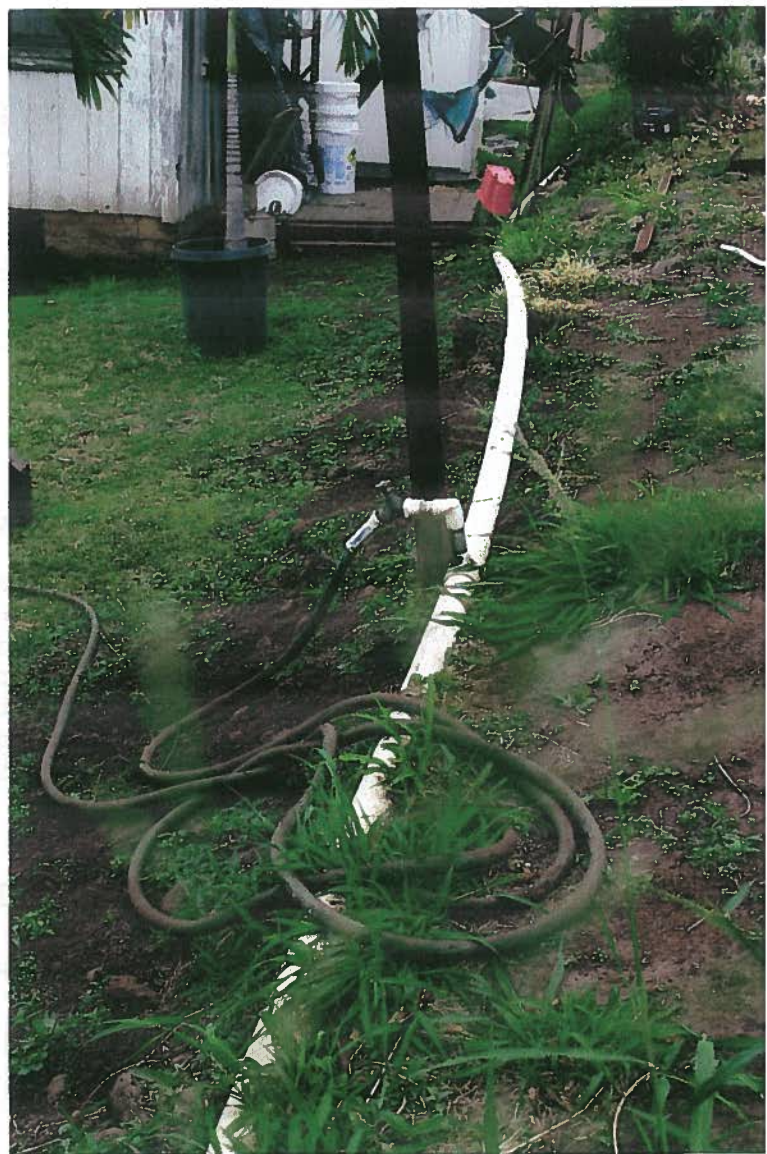
Valve + Kuleana waterline for our property 2½"



Different photos of Same 6" Kuleana waterline from Wailuku Sugar Co.



2 1/2" Waterline south to new property



2 1/2" waterline to our property





Back of house
waterline for
bananas





Kalo growing

6



Kalo growing



Kalo growing





Kalo growing





Banana patches

⑧



Banana
Patches.



Front Yard



Front Yard



Front Yard
Ferns
trees, Plumerias
Coconut





Front yard, Imu, bananas





back yard

back yard
Red ti leaf



back yard



Back yard - bananas



Bananas - front yard



Bananas

Imu ↑





Bananas



Papayas



Papayas, Noné, Ti leaf



Bay Leaf plant



Avocado Tree



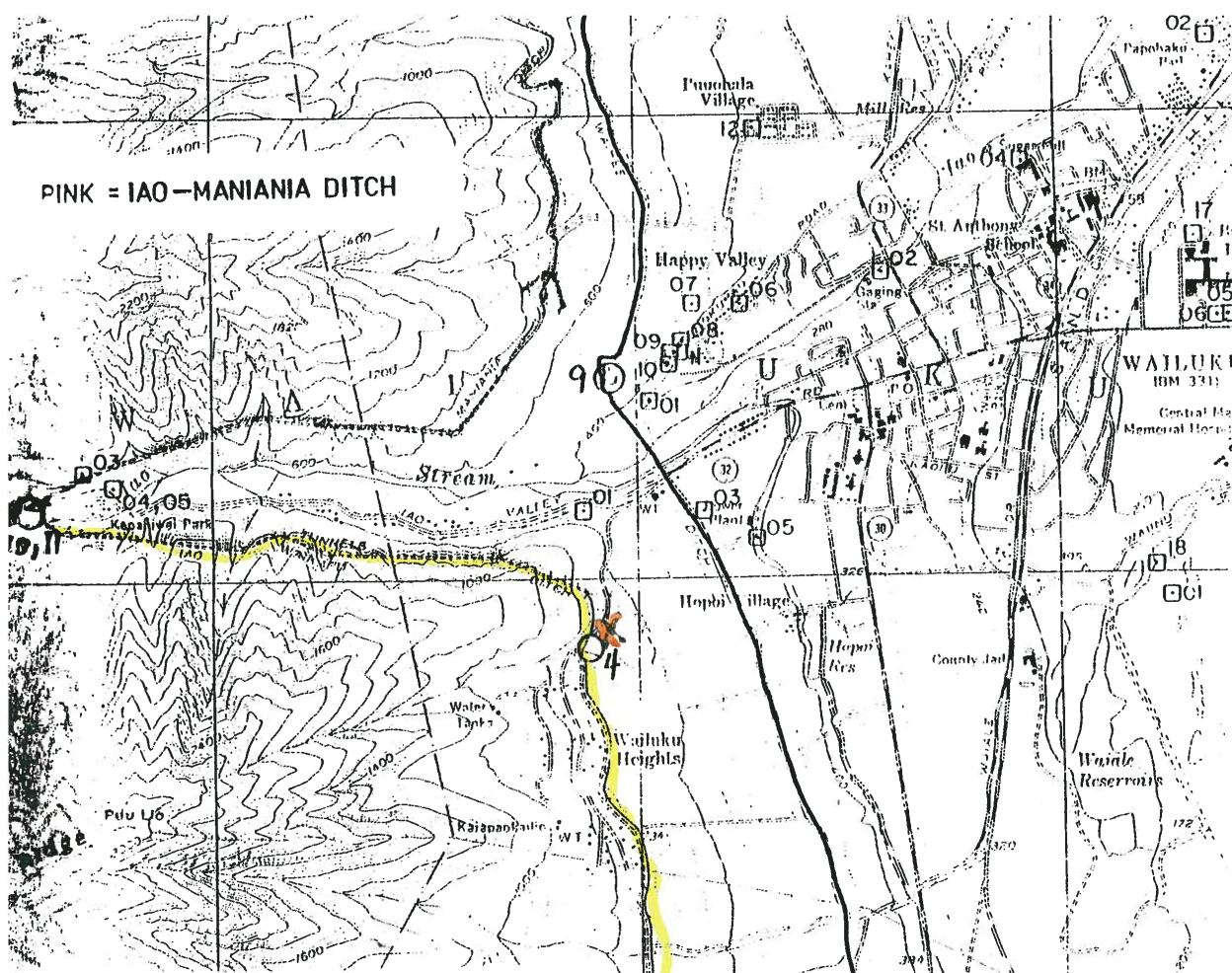
Tangerine trees



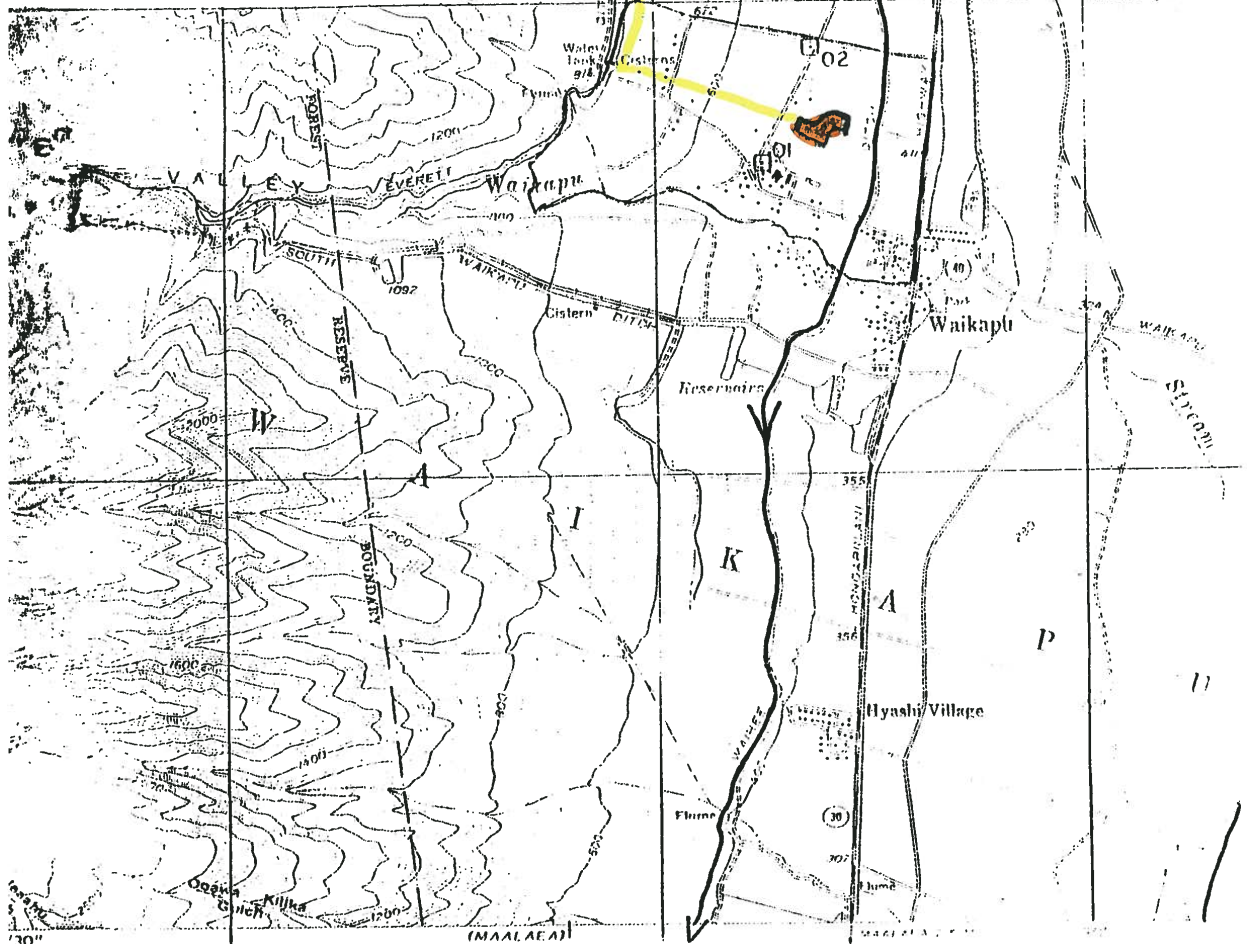
Hawaiian Lemon tree

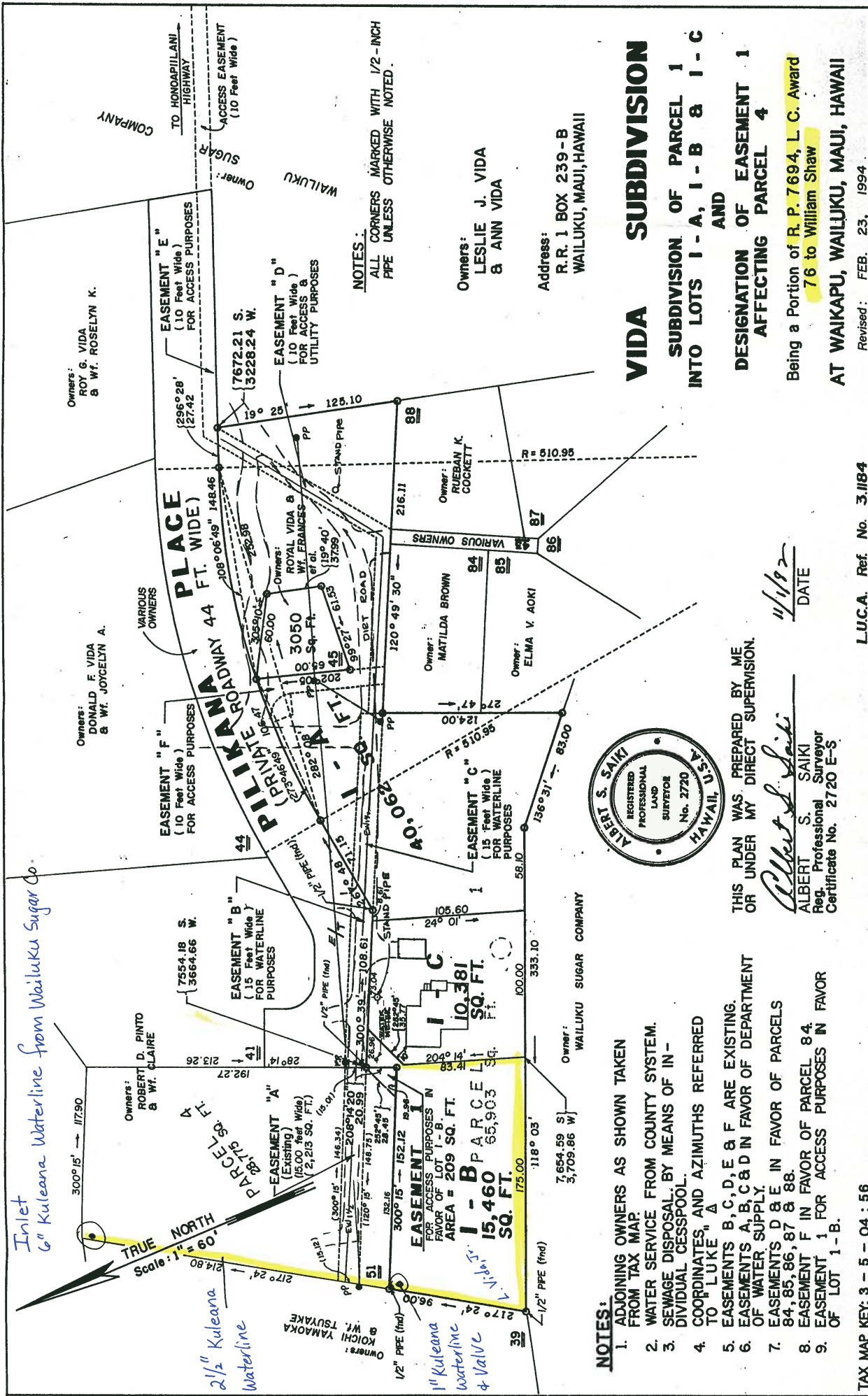
Bananas

PINK = IAO-MANIANIA DITCH



YELLOW = IAO-WAIKAPU DITCH SYSTEM





THIS PLAN WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION.

Albert S. Sasaki
ALBERT S. SAKI
Reg. Professional Surveyor
Certificate No. 2720 E-S

11/18/92
DATE

- NOTES:**
1. ADJOINING OWNERS AS SHOWN TAKEN FROM TAX MAP.
 2. WATER SERVICE FROM COUNTY SYSTEM.
 3. SEWAGE DISPOSAL BY MEANS OF INDIVIDUAL CESSPOOL.
 4. COORDINATES, AND AZIMUTHS REFERRED TO LUKE A.
 5. EASEMENTS B, C, D, E & F ARE EXISTING.
 6. EASEMENTS A, B, C & D IN FAVOR OF DEPARTMENT OF WATER SUPPLY.
 7. EASEMENTS D & E IN FAVOR OF PARCELS 84, 85, 86, 87 & 88.
 8. EASEMENT F IN FAVOR OF PARCEL 84.
 9. EASEMENT 1 FOR ACCESS PURPOSES IN FAVOR OF LOT 1-B.

TAX MAP KEY: 3 - 5 - 04 : 56

840 ALUA STREET, SUITE 103

L.U.C.A. Ref. No. 3.118.4

R. T. TANAKA ENGINEERS, INC.

Revised: FEB 23, 1994

SEPT 22, 1983
JUNE 23, 1983

JOB NO. 82 - 103